

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JAMES RANDY SCHOONOVER,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00462

DOLLAR GENERAL CORP.,

Defendant.

MEMORANDUM OPINION AND ORDER

The Defendant herein, Dollar General Corp., filed its Notice of Removal (Document 2) on August 30, 2024. Included with the Notice of the Removal is the Plaintiff's pro-se Complaint (Document 2-3). On September 5, 2024, Dollar General Corp. filed a Motion to Dismiss (Document 8).

By *Administrative Order* (Document 6) entered on September 3, 2024, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On October 9, 2024, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 12) wherein it is recommended that this Court grant the Defendant's Motion to Dismiss with prejudice. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by October 28, 2024.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Defendant's Motion to Dismiss (Document 8) be **GRANTED** and that this matter be **DISMISSED WITH PREJUDICE** and **REMOVED** from the Court's docket.

Lastly, the Court **ORDERS** that the Plaintiff's letter-form motion to amend complaint (Document 15) be **TERMINATED AS MOOT**.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: November 18, 2024


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA